S.B.Cr.Misc. II Bail App. No. 1947/2006
(Smt. Deu Bai Vs. State of Rajasthan)

Date of order : 22/05/2006

HON'BLE MR.H.R.PANWAR, J.

Mr. R.K.Charan for the petitioner.

Mr. J.P.S.Choudhary, Public Prosecutor.

This is second bail application. The first bail application filed by the petitioner and co-accused Narayan Giri was rejected on 22.9.2005 as it was not pressed by counsel appearing for the petitioner. However, subsequently, co-accused Narayan Giri filed a second bail application which came to be allowed by order dated 15.4.2006.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the challan papers.

The petitioner is mother-in-law of the deceased. The case as set up by the prosecution is that co-accused Kalu Giri had illicit relation with his younger brother's wife. According to prosecution at about 12.00-1.00 in the night when co-accused Kalu Giri went to his younger brother's wife with whom he had illicit relations, the deceased objected the same, on which it is stated that Kalu Giri inflicted repeated lathi blows to the deceased which proved fatal. From the perusal of the record it appears that Kalu Giri and one Dalibai who is wife of younger brother of co-accused Kalu Giri, were present at the place of occurrence. So far as the present petitioner, who is mother-in-law of the deceased, is concerned, no active participation prima-facie appears except her presence at the place of occurrence. Be that as it

may, without commenting on the merit of the case which may prejudice the case of either party at the trial of the case, looking to the facts and circumstances of the case and having considered the oral arguments advanced by the counsel for the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this second bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Smt. Deu Bai W/o Narayan Giri be released on bail in FIR No. 139/05 P.S. Bhadeshar, district Chittorgarh provided he executes a personal bond for a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP